

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address  Alan I. Nahmias, Esq. SBN 125140 MIRMAN, BUBMAN & NAHMIAS, L.L.P. 21860 Burbank Boulevard, Suite 360 Woodland Hills, California 91367 Telephone: (818) 995-2555 Facsimile: (818) 451-4620 Email: anahmias@mbn.law	FOR COURT USE ONLY
<input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Wesley H. Avery, Chapter 7 Trustee	
<b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION</b>	
In re:  SAILFISH CAPITAL PARTNERS, LLC    Debtor(s).	CASE NO.: 2:19-bk-20207-RK CHAPTER: 7    <b>NOTICE OF SALE OF ESTATE PROPERTY</b>

<b>Sale Date:</b> 08/17/2021	<b>Time:</b> 2:30 pm
<b>Location:</b> Courtroom 1675 - See attached Notice of Video and Telephonic Appearance Procedures for Judge Kwan	

**Type of Sale:** ☒ Public ☐ Private **Last date to file objections:** 08/03/2021

**Description of property to be sold:** 307 Sailfish Lane, Freeport, Texas 77541  
Tracts 3 and 4 in Subdivision No. 8 of the Brazos Coast Investment Company Subdivision, F. J. Calvit League, Abstract 51, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 141 of the Plat Records of Brazoria County, Texas.

**Terms and conditions of sale:**  
The Property is being sold on an "as-is", "where-is" basis, with no warranties, recourse, contingencies or representations of any kind.

**Proposed sale price:** \$ 725,000.00 , subject to overbid

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

**Overbid procedure (if any):**

(Please see attachment.)

**If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:**

August 17, 2021 at 2:30 p.m. in Courtroom 1675 of the United States Bankruptcy Court located at 255 East Temple Street, Los Angeles, California 90012.

See attached Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases.

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**Contact person for potential bidders (include name, address, telephone, fax and/or email address):**

Ryan Birdsong  
Birdsong Real Estate  
232 Plantation Drive  
Lake Jackson, TX 77566  
ryan@birdsongrealtors.com  
(979)297-4200

Date: 07/27/2021

In re: Sailfish Capital Partners, LLC  
Case No. 2:19-bk-20207-RK

Attachment to:  
NOTICE OF SALE OF ESTATE PROPERTY

Overbid Procedure

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While the Trustee is prepared to accept the offer for the Property as set forth in this Motion, the Trustee is also interested in obtaining the maximum price for the Property. Accordingly, the Trustee requests that the Court authorize the Trustee to implement an overbid procedure regarding the sale of the Property on the following terms:

Any potential overbidder is encouraged to obtain a copy of the Motion and contact Trustee's counsel prior to the hearing. The Property will be sold subject to overbid at an open auction (the "Auction") to be conducted by the Trustee before the Court at the time that this Motion is heard. The Trustee has established the following overbid procedures, which shall govern any bidding:

A. Any person or entity that is interested in purchasing the Property (the "Bidders") must serve the Trustee and his counsel with an initial bid in conformance with this paragraph ("Overbid"), such that any overbid is actually received two (2) business days prior to the commencement of the auction (the "Bid Deadline).

B. Any person or entity that submits a timely, conforming Overbid shall be deemed a "Qualified Bidder" and may bid for the Property at the hearing. Unless otherwise permitted by the Court, any entity that fails to submit a timely, conforming bid shall be disqualified from bidding for the Property.

C. The Trustee, subject to the rights of a Bidder or party in interest to raise an issue with the Court, shall have sole authority to determine whether a party is a Qualified Bidder.

D. Any Overbid must remain open until the conclusion of the auction ("Auction") of the Property to be held at the hearing on this Motion.

E. Any initial Overbid must provide for a minimum purchase price of at least \$735,000.00 (the Purchase Price, plus \$10,000.00). Any subsequent overbid must be in the minimum increment of \$2,500.00, or not less than \$737,500.00.

F. Any Overbid must agree that the Property is being sold “as is,” “where is,” and “with all faults” and shall not contain any financing, due diligence, or any other contingency, termination fee, or any similar fee or expense reimbursement.

G. Any Overbid must be accompanied by a deposit of at least \$36,750.00 (at least five percent (5%) of the minimum initial Overbid) in certified funds, which funds shall be nonrefundable if the bid is determined by the Court to be the highest and best bid for the Property (the “Best Bid”).

H. Any Overbidder must provide to the Trustee unconditional proof, acceptable to the Trustee, of their ability to timely perform and close the sale, not less than two business days prior to the hearing date.

I. Any Overbid must be made by a person or entity who has completed its due diligence review of the Property and is satisfied with the results thereof, as there shall be no contingencies to closing the sale if the Overbid is determined to be the Best Bid.

J. If the Trustee receives a timely, conforming Overbid for the Property, the Court will conduct an auction of such Property at the hearing, in which all Qualified Bidders may participate. The Auction shall be governed by the following procedures: (i) All Qualified Bidders shall be deemed to have consented to the core jurisdiction of the Bankruptcy Court and to have waived any right to a jury trial in connection with any disputes relating to the Auction or the sale of the Property; (ii) Bidding shall commence at a minimum price of \$737,500.00 (\$2,500.00 over Overbidder’s initial minimum overbid of \$735,000.00); (iii) The minimum bidding increment during the Auction shall be \$2,500.00, or such other amount as the Court may fix at the time of the hearing on this Motion; and (iv) The Court will determine which of the bids is the Best Bid at the conclusion of the bidding..

K. The Successful Bidder must pay, at the closing, all amounts reflected in the Best Bid in cash and such other consideration as agreed upon, including but not limited to Buyer’s portion of all closing costs and prorated property taxes.

L. If the Bankruptcy Court approves the sale, the closing shall take place as soon as practicable after entry of the Order approving the sale, but no later than the later to occur of: (i) the first business day after fourteen (14) calendar days following the operative Order of the Bankruptcy Court approving the sale, or (ii) if the effectiveness of the Order of the Bankruptcy Court approving the sale is stayed, the first business day after the Order is no longer stayed (the "Closing Date").

M. The Trustee believes the foregoing overbid terms are reasonable under the circumstances of this case and will ensure that the price ultimately received for the Property will be the highest and best price.

## **NOTICE OF VIDEO AND TELEPHONIC APPEARANCE PROCEDURES FOR JUDGE ROBERT N. KWAN'S CASES**

Due to the COVID-19 outbreak, Judge Kwan has modified his prior telephonic hearing procedures. With further notice, all of Judge Kwan's hearings will be conducted using ZoomGov audio and video.

Hearing participants and members of the public may view and listen to hearings before Judge Kwan using ZoomGov free of charge. Video and audio connection information for each hearing will be provided on Judge Kwan's publicly posted hearing calendar, which may be viewed online at: [ecf-ciao.cacb.uscourts.gov/CiaoPosted/?jid=RK](https://ecf-ciao.cacb.uscourts.gov/CiaoPosted/?jid=RK) and selecting "Judge Kwan" from the tab on the left side of the page.

Individuals may appear by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone). Individuals may participate by ZoomGov audio only using a telephone (standard telephone charges may apply). Neither a Zoom nor a ZoomGov account are necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitute its official record.

### **Tips for a Successful ZoomGov Court Experience**

1. Test the video and audio capabilities of your computer or mobile device in advance of the hearing (i.e., at least one day in advance).
  - You can do this by clicking on the ZoomGov meeting link posting for the hearing and/or check your video and audio using the ZoomGov app.
2. If you intend to speak at the hearing, please find a quiet place from which to participate.
3. If you are connecting to the hearing using a wireless device, you should situate yourself in a location with a strong wireless signal.

4. Dial in or connect early so that you have time to check in and make adjustments to your screen name, etc. before the hearing begins. This becomes very difficult if everyone waits until the last minute to dial in.
5. Unless and until it is your turn to speak, please mute your audio to minimize background noise. Consider keeping your video off until your matter is called.

- If connected to ZoomGov audio by telephone, you can mute or unmute your connection by pressing \*6 on your phone.

6. When you first speak—and each time you speak after someone else has spoken—please say your name. This may seem awkward but is essential to making a good court record. The only part of the hearing being recorded is the audio. If a transcript is requested, it is sometimes difficult for the transcriber to know who is speaking.

7. If you are participating by video, try to avoid having a window or bright background behind you. (You may, as a result, appear on video as a shadow.) If you cannot avoid the bright background, try using a desk lamp or other light source to brighten your face.

8. If you are participating by video using a personal computer, you may separately connect to the audio feed by telephone (for improved audio) using the call-in information provided for the hearing.

- If you do this, please connect to the video feed first. In the ZoomGov app, you will be assigned a Participant Code. Use this code to associate your video and audio feeds.

9. If available, a headset-microphone often provides better sound quality for listening and speaking.

10. Participants and members of the public should at all times remember that although conducted remotely, these hearings are official court proceedings, and individuals should act accordingly.

- If video is enabled, please wear attire consistent with the decorum of court proceedings.

- ZoomGov permits the use of virtual backgrounds to safeguard your privacy. If you choose to use a virtual background, please avoid backgrounds that are offensive or distracting.

11. ZoomGov video participants are permitted to specify a display name. If using video, please specify your calendar number, first initial and last name, and client name (ex. 5, R. Smith, ABC Corp.) to assist the Court in creating a record of the proceedings.

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## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

21860 Burbank Boulevard, Suite 360, Woodland Hills, CA 91367

A true and correct copy of the foregoing document entitled: **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* 07/27/2021, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

(Please see Attachment 1.)

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL:**

On *(date)* 07/27/2021, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

(Please see Attachment 2.)

☒ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

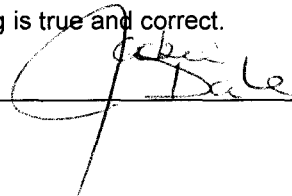
07/27/2021

JACQUELINE DALE

Date

Printed Name

Signature



SAILFISH CAPITAL PARTNERS, LLC  
Case No. 2:19-bk-20207-RK

Attachment to:  
NOTICE OF SALE OF ESTATE OF PROPERTY

**Attachment 1 - To Be Served by the Court Via Notice of Electronic Filing:**

CHAPTER 7 TRUSTEE: Wesley H Avery (TR) wes@averytrustee.com, C117@ecfbis.com;  
lucy@averytrustee.com; Isabel@averytrustee.com  
ATTORNEY FOR DEBTOR: Leslie A Cohen leslie@lesliecohenlaw.com,  
jaime@lesliecohenlaw.com; olivia @lesliecohenlaw.com  
ATTORNEY FOR BRAZORIA COUNTY TAX OFFICE: Michael J Darlow mdarlow@pbfc.com,  
tpope@pbfc.com  
ATTORNEY FOR CHAPTER 7 TRUSTEE: Alan I. Nahmias anahmias@mbnlawyers.com;  
jdale@mbnlawyers.com  
ATTORNEY FOR CREDITOR SOUTHWEST GUARANTY INVESTORS, LTD. Hamid R  
Rafatjoo hrafatjoo@raineslaw.com, bclark@raineslaw.com  
ATTORNEY FOR INTERESTED PARTY ELISSA MILLER: Robyn B  
Sokol rsokol@leehtishman.com, rsokol@leehtishman.com; lmoya@leehtishman.com  
ATTORNEY FOR BRAZORIA COUNTY TAX OFFICE: Owen M Sonik osonik@pbfc.com,  
tpope@pbfc.com  
UNITED STATES TRUSTEE: United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov  
ATTORNEY FOR INTERESTED PARTY ELISSA MILLER: Jessica  
Wellington jwellington@bg.law, ecf@bg.law

**Attachment 2 - Served By United States Mail:**

PRESIDING JUDGE'S COPY

Honorable Robert N. Kwan  
United States Bankruptcy Court  
255 East Temple Street, Suite 1682  
Los Angeles, CA 90012

DEBTOR:

Sailfish Capital Partners, LLC  
c/o Mark Slotkin  
5141 Firestone Place  
South Gate, CA 90280

ATTORNEY FOR BRAZORIA COUNTY TAX ASSESSOR:

Melissa Valdez  
Perdue Brandon Fielder Collins Mott  
1235 North Loop West, #600  
Houston, TX 77008

CREDITORS

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Angleton, TX 77515

Brazoria County Tax Office  
Ro'vin Garrett, PCC  
111 E locust  
Angleton, TX 77515

City of Freeport  
200 West Second Street  
Freeport, TX 77541

Franchise Tax Board  
Bankruptcy Section MS A340  
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